

REMARKS

This amendment is in response to the Official Action mailed July 26, 2004. Claims 1-57 are pending in this application. Independent claims 1, 19 and 37, and dependent claims 16 and 34, have been amended, dependent claims 13, 31 and 49 have been canceled, and dependent claims 55-57 are new.

The Examiner rejected claims 1, 4-9, 12, 15-16, 19, 22-27, 30, 33, 34, 37, 40-45, 48, 51 and 52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,788,064 ("*Kori*") in view of U.S. Patent No. 4,685,131 ("*Horne*"). The Examiner also rejected claims 10, 11, 18, 28, 29, 36, 46, 47 and 54 under 35 U.S.C. § 103(a) as being unpatentable over *Kori* and *Horne*. The Examiner rejected claims 2, 3, 20, 21, 38 and 39 under 37 U.S.C. § 103(a) as being unpatentable over *Kori* and *Horne* in view of *Rhodes*. The Examiner rejected claims 14, 17, 32, 35, 50 and 53 under 35 U.S.C. § 103(a) as being unpatentable over *Kori* and *Horne* in view of U.S. Patent No. 6,374,036 ("*Ryan*").

Applicants' invention is directed to preventing the unauthorized copying of signals that contain embedded data restricting or limiting the copying of the signals, for example, signals containing embedded CGMS (copy generation management system) data or digital-watermark data. As explained in Applicants' specification, the conversion of such signals from one format to another format, for example, from one color video format, such as luminance Y and color difference signals R-Y and B-Y, to another color video format, such as the NTSC television format, often results in the elimination of the embedded copy-protection data. The converted signal, therefore, could be copied in violation of the restrictions placed upon copying by these data.

For apparatus performing a conversion in format on signals containing copy-protection data, Applicants' invention

provides means for prohibiting the copying of the converted signal. This means may include, for example, a switch for disabling an output port on the apparatus normally transmitting the converted signal from the apparatus. Since a user of such an apparatus normally is unaware that copying of the converted signal is being prevented because of the formatting conversion, Applicants' invention includes means, such as an LCD display, to notify the user of the steps taken to prohibit copying of the converted signal (for example, that the apparatus' output port is being disabled to prevent copying in violation of the copy-protection data). As explained in the specification, "[a]s a result, when the signal after conversion is not output from the monitor receiver . . ., this is not misunderstood as a failure of the monitor receiver." (Specification at page 31, lines 13-16.)

The Examiner admits in the Official Action that *Kori* does not anticipate or suggest Applicants' invention. The Examiner now contends, however, that Applicants' invention is obvious over *Kori* in view of *Horne*. Applicants respectfully request reconsideration and withdrawal of this rejection.

*Horne* is not directed to a system or method for prohibiting the unauthorized copying of signals containing copy-protection data. *Horne* is directed to a system and method for prohibiting the unauthorized viewing of scrambled television signals. In the *Horne* system, all television signals are broadcast in a scrambled format. A television receiver receiving the scrambled signals contains a system for automatically descrambling some of the signals. If a signal is not automatically descrambled (for example, a "pay-per-view" program), then, according to *Horne*, the subscriber is displayed a message explaining how the program can be viewed by entering "the necessary pass-code in the receiver unit for the impulse pay-per-view transaction." (Col. 3, lines 3-7.)

In the *Horne* system, therefore, the message notifies the viewer of the steps necessary to descramble the signal. The fact that the signal is scrambled is well understood by the viewer, however, as a result of simply tuning to the scrambled channel. Applicants' invention, on the other hand, is directed to a system and method for protecting against the unauthorized copying of signals containing embedded (hidden) copy-protection data. A user normally is unaware of such data because the data do not affect the user's listening or viewing of the signal. The user also normally is unaware that the signal's conversion in format may require steps to prohibit the copying of the converted signal, for example, by disabling the transmission of the converted signal from an output port.

The combination of *Kori* and *Horne*, therefore, neither addresses the problem addressed by the present invention nor suggest a solution. The combination of *Kori* and *Horne* does not disclose or suggest a system for converting the format of a signal containing copy-protection data that includes, as recited in amended claim 1, "determination means for examining said input signal for additional information added to said input signal indicating that copying of said input signal is limited or prohibited; prohibiting means for prohibiting said converted signal from being copied when said additional information is present on said input signal; and notification means for notifying a user of said prohibiting for said converted signal." As amended, Applicants' other independent claims, namely, claims 19 and 37, contain similar limitations.

The other references cited by the Examiner do not overcome the deficiencies of *Kori* and *Horne*. *Rhodes* discloses a "television signal format converter . . . for converting without loss of picture information any high definition television format to or from a given recorder/player format." (Abstract.) *Ryan* discloses a method and apparatus for using a watermark in a

video signal. Neither of these references addresses the problem of the present invention or provides a solution. The Examiner cited these references, moreover, only against Applicants' dependent claims.

Independent claims 1, 19 and 37, therefore, are patentable over *Kori, Horne, Rhodes and Ryan*, whether considered individually or in combination. Since Applicants' other claims depend, either directly or indirectly, upon one of these independent claims, these dependent claims also are patentable over these references. In particular, none of these references discloses or suggests a system, such as that recited in new claim 55 which depends upon claim 1, "wherein said prohibiting means prohibits said converted signal from being transmitted as an output signal from said conversion apparatus." New dependent claims 56 and 57, which depend upon, respectively, independent claims 19 and 36, contain similar recitations.

In view of the foregoing, Applicants respectfully request the timely issuance of a Notice of Allowance in this application. If for any reason the Examiner does not believe that such action can be taken at this time, however, he is respectfully requested to telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections that he may have.

Application No.: 09/419,164

Docket No.: SONYJP 3.0-089

If there are any additional charges in connection with this amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 19, 2004

Respectfully submitted,

By

  
Arnold B. Dompieri

Registration No.: 29,736

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants

514818\_1.DOC